

Worksheet
Documentation of Land Use Plan Conformance and Determination of
NEPA Adequacy (DNA) #UT-040-04-44

U.S. Department of the Interior
Utah Bureau of Land Management (BLM)

This worksheet is to be completed consistent with the 'Guidelines for Using the DNA Worksheet' located at the end of the worksheet. The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

A. BLM Office: Cedar City Field Office

Lease/Serial/Case File No. NA

Proposed Action Title/Type: Long Hollow Utah Prairie Dog Habitat Improvement Project

Location of Proposed Action: T. 32 South, R. 10 West, section 13, 14, 23, 24, 25
T. 32 South, R. 9 West, section 19, 30

Description of the Proposed Action: The Long Hollow project (see map, Attachment A) is proposed to improve Utah prairie dog habitat conditions on the Jackrabbit allotment, partially within and adjacent to, the existing Long Hollow Utah prairie dog complex. The treatment would consist of approximately 200 acres, up to about 300 acres, of sagebrush treatment (Treatment area 1 on Attachment A). Approximately 70 additional acres in sections 14 and 23 may also be treated (Treatment area 2 on Attachment A). The preferred treatment method would be a pipe harrow pulled by a rubber tired tractor. Two passes of the equipment, in opposite directions, would be done. Interseeding is needed to improve vegetative species diversity. This would be done by either a broadcast seeder attached to the tractor on the second pass, or by pulling a rangeland or no-till drill behind a tractor. The seed mix would be predominately natives, however, some non-native species, especially forbs, would likely be included. See Attachment B for a proposed seed mix. The final seed mix would be subject to seed availability and current prices. Therefore, the Authorized Officer may modify the proposed seed mix.

Approximately 180 acres of the project site was originally treated in 1962 to remove sagebrush, pinyon, and juniper trees, and was seeded to crested wheatgrass. This portion currently consists of crested wheatgrass, sagebrush, and some native forbs. The remainder is sagebrush with a few native grasses. The project site lacks species diversity.

The project area would be rested from livestock by fencing approximately 1100 acres in the southwest portion of the South pasture. The proposed fence would be approximately 2.2 miles long and follow existing roads for about 1.8 miles. The fence would consist of four strands of barbed wire, with wire spacing of 16", 6", 6", and 12", measured from the ground

up, with the total height not to exceed 40". The project stipulations require a minimum of two complete growing seasons of rest. A longer rest may be required if the seeding is slow to establish, such as during a drought. The area would be rested from grazing through a signed non-use agreement. Pygmy rabbit surveys would be conducted prior to project implementation. If any recently occupied habitat is identified, it would be mitigated with a no treatment buffer.

The Project Stipulations, from the original EA, are shown in Attachment C and apply to all actions.

Applicant (if any): NA

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name: Cedar Beaver Garfield Antimony Resource Management Plan

Date Approved: October 1, 1986

Other document: Black Mountain Utah Prairie Dog Site Management Plan

Date Approved: October 21, 1997

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

Wildlife Objective (page 69): Manage wildlife habitat to favor a diversity of game and nongame species.

The Black Mountain Utah Prairie Dog Site Management Plan specifically mentions the proposed action on pages 27 and 28.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

Document Name: Utah prairie dog site management plans and environmental assessment

EA Number: UT-044-97-04

Date Approved: October 21, 1997

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

Document Name: Utah Prairie Dog Recovery Plan

Date Approved: September 30, 1991

Document Name: Utah Prairie Dog Interim Conservation Strategy

Date Approved: August 25, 1997

Document Name: Formal Endangered Species Act Section 7 Consultation for the Black Mountain, Buckhorn Flat, Buckskin, Horse Hollow, and Monument Peak Utah Prairie Dog Site Management Plans on Lands owned by the U.S. Bureau of Land Management (Biological Opinion)
Date Approved: August 25, 1997

Document Name: Cedar City Field Office Utah Prairie Dog Management 2002 Annual Report (provides summary of monitoring data in project area)
Date Approved: March 2003

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

☒ Yes

☐ No

Documentation of answer and explanation:

The 1997 Utah prairie dog environmental assessment (page 17) proposed vegetation treatments of 250 acres over three to five years on the Jackrabbit allotment to maintain habitat within the Long Hollow Utah prairie dog complex. The preferred type of vegetation treatment was prescribed fire and interseeding, with the statement that if the preferred treatment method could not be utilized, then one of the other methods described in the site management plan (prescribed fire, brush beating, chaining, or hand cutting) could be used (see page 17 of EA). The Black Mountain Site Management Plan (SMP) describes the proposal on pages 27 and 28. Map #7 in the SMP shows the proposed treatment area in T. 32 S., R. 9 W., section 18 and T. 32 S., R. 10 W., section 13. The southwestern boundary of the original treatment area is adjacent to the current proposed treatment area's northern boundary.

The differences between the proposed action in the site management plan and this proposal include completion of the entire project in one year vs. multiple years, the flexibility to apply a treatment of 200 to 370 acres, and a shift in project location. A suitability assessment would be conducted prior to project implementation to determine how much of the area is conducive to treatment. These differences are not considered to be substantial changes for the following reasons. a) Through experience gained by implementation of other projects in the site management plans, it has been determined that it is easier and more efficient and cost effective to implement one larger project vs. five, 50 acre projects. b) There are 350 acres contained within the polygon shown in Map #7 in the SMP. The current project is proposed for 200 to 370 acres. The size of the current proposal has been agreed to by the livestock permittees. c) Although the project location has shifted; the ecological sites and resources are similar to the original location.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

 X Yes

 No

Documentation of answer and explanation:

The 1997 EA analyzed the proposed action and the no action alternative. The site management plan included an in-depth analysis of potential vegetation treatment areas, and the EA proposed those with the highest ranking. The no action alternative would not allow for implementation of either the Iron County Habitat Conservation Plan, or the Utah Prairie Dog Interim Conservation Strategy. Current concerns with Utah prairie dog management, and current resource users, are the same or similar to those considered in 1997. Current livestock permittees have agreed to the current proposed action.

3. Is existing analysis adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

 X Yes

 No

Documentation of answer and explanation:

The existing analysis is adequate. Rangeland health assessments have not been conducted on this allotment. However, no change to soils or vegetation is expected from those analyzed in the original environmental assessment. Monitoring has shown an increase in sagebrush, a target species for the treatment, and a decrease in cool season grasses. Changes to the threatened, endangered, and sensitive species list would not change the existing analysis. The area is historical sage grouse habitat. The nearest lek has been inactive for approximately 30 years. Sage grouse may use the project area while migrating between the Parowan Gap area and the Bald Hills/Minersville area. Improving the grass and forb component would be beneficial to sage grouse. Project stipulations require raptor and pygmy rabbit surveys. Please review the Interdisciplinary Team Analysis Record (Attachment D) for a list of resources that were reviewed.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

☒ Yes

☐ No

Documentation of answer and explanation:

The analytical approach used in the existing NEPA document is appropriate for the current proposed action. Rangeland management and vegetation treatments occur in essentially the same manner as in 1997. There are no new land uses within the project area.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Do the existing NEPA documents analyze impacts related to the current proposed action at a level of specificity appropriate to the proposal (plan level, programmatic level, project level)?

☒ Yes

☐ No

Documentation of answer and explanation:

The impacts of the current proposed action are similar to those identified in the 1997 EA. A site specific analysis was conducted in 1997. A treatment area of 250 acres represents 2.5% of the BLM acres in the Jackrabbit allotment (page 45 of EA). Excluding approximately 1100 acres from grazing with the proposed protection fence would exclude about 11% of the BLM acres. However, the grazing permittees have agreed to this change. Please review the Interdisciplinary Team Analysis Record (Attachment D) for a list of resources that were reviewed.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

☒ Yes

☐ No

Documentation of answer and explanation:

The cumulative impacts analysis in the existing EA is adequate.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

☒ Yes

☐ No

Documentation of answer and explanation:

The public involvement with the 1997 EA is still adequate. BLM has worked with the livestock grazing permittees to develop the proposal which is acceptable to both parties. No new land users have been identified within the project area. Extensive public participation occurred in 1996 and 1997 through public meetings and newsletters. Interagency review is also considered adequate. The U.S. Fish & Wildlife Service supports the current proposed action. Iron County is a partner in implementation.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Robert Edwards	Natural Resource Specialist	Air quality, ACECs, farmlands, floodplains, invasive non-native species, water quality, wild & scenic rivers, wilderness, woodland, soils, recreation, visual resources, water rights, wilderness characteristics
Gardiner Dalley	Archeologist	Cultural resources, paleontology
Rebecca Bonebrake	Wildlife Biologist	Environmental justice, TES plants, TES animals, wetlands/riparian, fish & wildlife, socio-economics
Anne Stanworth	Public Affairs Specialist	Native American Religious Concerns
Randy Peterson	Warehouseman	Wastes (hazardous or solid)
Jeff Fenton	Rangeland Mgmt. Specialist	Rangeland health, livestock grazing, vegetation
Ed Ginouves	Geologist	Geology/mineral resources
Ervin Larsen	Realty Specialist	Lands/access
Steve Small	Wildlife Biologist/Fuels Planner - Fuels/fire management	
Craig Egerton	Supervisory Rangeland Mgmt. Specialist - Wild horses & burros	

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

No mitigation measures have been identified. Appropriate project specifications from the EA (pages 20-23) would apply to the current proposed action.

ATTACHMENTS

Attachment A: Project map

Attachment B: Proposed seed mix

Attachment C: Project stipulations

Attachment D: Interdisciplinary Team Analysis Record

CONCLUSIONS

Based on the review documented above, I conclude that:

Plan Conformance:

- ☐ This proposal conforms to the applicable land use plan.
- ☐ This proposal does not conform to the applicable land use plan

Determination of NEPA Adequacy

- ☐ The existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.
- ☐ The existing NEPA documentation does not fully cover the proposed action.
Additional NEPA documentation is needed if the project is to be further considered.

Signature of the Responsible Official

Date

**FINDING OF NO SIGNIFICANT IMPACT
AND
FINAL DECISION**

*Long Hollow Utah Prairie Dog Habitat Improvement Project
DNA-UT-040-04-44*

FONSI: Based on the analysis of potential environmental impacts contained in the attached Determination of NEPA Adequacy and as analyzed in the previous environmental assessment (EA-UT-044-97-04), I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

BACKGROUND: On July 30, 2004, a proposed decision was issued for this project consistent with BLM grazing regulations found at Title 43 Code of Federal Regulations (43 CFR) subpart 4100. The decision was protested within the time allowed by the two permittees of record, the Elizabeth Marshall and Family Limited Partnership, and Blake and Todd Marshall. Consistent with the grazing regulations, I am required to issue this final decision.

DECISION: I have carefully considered the Marshall's points of protest and after considerable consultation, coordination, and cooperation between the Marshall families and the Bureau of Land Management, have determined it would be in the best interest of the public to modify my original proposed decision. It is therefore my final decision to authorize the Long Hollow Utah prairie dog habitat improvement project at a different location from that originally proposed, as described in DNA #UT-040-04-44. The project may be completed by mechanical methods such as a pipe harrow, mower, or similar equipment to remove sagebrush. This is consistent with the action described on page 28 of the Black Mountain Utah prairie dog site management plan (SMP) and on page 17 of EA-UT-044-97-04.

RATIONALE: The decision to authorize this habitat improvement project with minor changes from the original approved action from EA UT-044-97-04 has been made in consideration of the environmental impacts and concerns of the livestock permittees. The action is in conformance with the Cedar-Beaver-Garfield-Antimony Resource Management Plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decision (objective, term, and condition) and, if applicable, implementation plan decision: Wildlife Objective (page 69): Manage wildlife habitat to favor a diversity of game and nongame species. The Black Mountain Utah Prairie Dog Site Management Plan specifically mentions the proposed action on pages 27, 28 and Map #7.

I approve the following minor changes to the proposed action approved in EA-UT-044-97-04. The differences between the proposed action in the site management plan and this proposal include completion of the entire project in one year vs. multiple years, and the flexibility to increase the treatment size up to 370 acres. There are 350 acres contained within the polygon shown in Map #7 in the SMP. A suitability assessment would be

conducted prior to project implementation to determine how much of the area is conducive to treatment. Through experience gained by implementation of other projects in the site management plans, it has been determined that it is easier and more efficient to implement one large project versus several 50 acre projects. These differences are not considered to be substantial changes

This NEPA action was entered on the Electronic Notification Bulletin Board on July 29, 2004. The project was discussed over the telephone and in a field meeting with the livestock permittees on July 15, 2004. The Determination of NEPA Adequacy and proposed grazing decision were both signed on July 30, 2004. We attempted to address permittee concerns; however, the proposed grazing decision was protested by permittees. We continued to meet with permittees throughout the fall. An alternative site, adjacent to the original proposed action, but in an area that had not been discussed during the summer, was selected as suitable. This site meets the primary objective of improving Utah prairie dog habitat adjacent to existing habitat, while having a minimal impact on grazing permittees.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by this final BLM grazing decision may file an appeal and petition for a stay of the decision pending final determination. The appeal and petition for a stay must be filed in the Cedar City Field Office, as noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final.

Within 15 days of filing an appeal and petition for stay, the appellant must send copies to any other person named in this decision and to the Office of Regional Solicitor located at 125 South State Street, Suite 6201, Salt Lake City, Utah 84138. This is in accordance with 43 CFR 4160.3(c), 43 CFR 4160.4, 4.21, 4.470 and 4.471 of that title. Again, if an appeal and/or petition for stay are submitted in writing, they must be hand delivered or delivered by the common United States Postal Service mail system.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is wrong.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.21(b) (1) and 4.471(c), the appellant shall show sufficient justification based on the following standards:

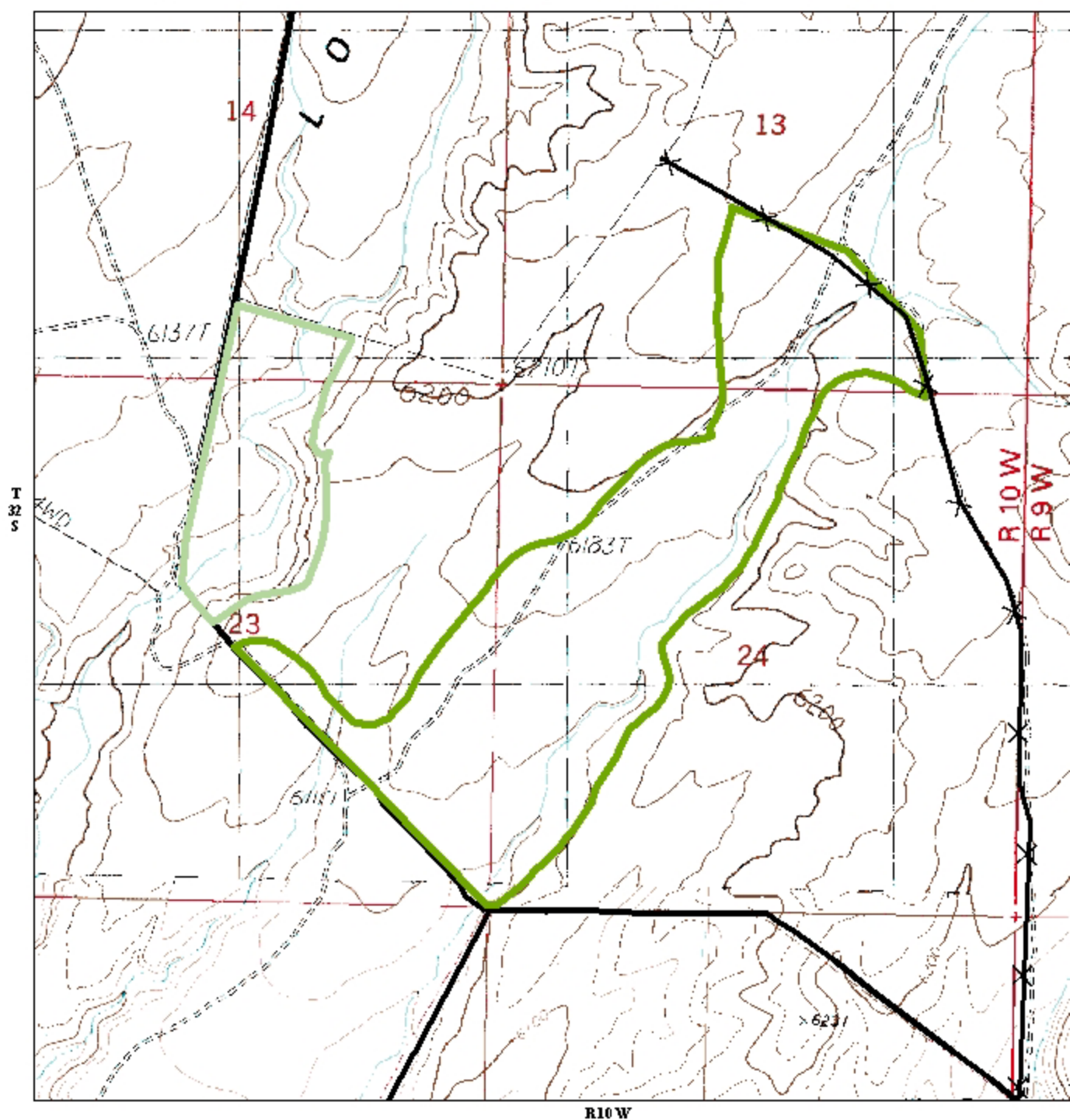
1. The relative harm to the parties if the stay is granted or denied;
2. The appellant's likelihood of success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

The appellant requesting the stay bears the burden of proof to demonstrate that a stay should be granted.

Todd S. Christensen
Field Office Manager

Date

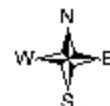
Long Hollow Utah Prairie Dog Habitat Improvement Project



Legend

- Treatment area 1
- Treatment area 2
- Allotment boundary
- New fence

Estimate Acres:
 Treatment area 1 300
 Treatment area 2 70



1:18,000

0 0.05 0.1 0.15 0.2 0.25

Miles

CAUTION:

